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Chuck Kenyon
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July 9, 2010

RE: Revised Biological Resources Report for the Kenyon Property, Tentative Parcel
Map 20857

Dear Mr. Kenyon,

RC Biological Consulting, Inc. has performed fieldwork for your 21.01 acre project, APNs 410-021-25 and 410-020-77, in the Community of Pine Valley in East San Diego County. The following letter summarizes the results of the surveys, including existing biological resources, proposed impacts and mitigation in accordance with the County of San Diego Guidelines For Determining Significance and Survey, Report Format, Content and Mapping Requirements (County 2007). Since the original submittal of this report an additional parcel, APN 410-020-77, 6.47 acres has been added to the project site. The parcel is contiguous with the original parcel and was previously proposed as an off-site mitigation location.

Summary

The proposed project is a minor subdivision and residential development of 21.01 gross acres, APNs 410-021-25 and 410-20-77, into four parcels. The project site is located in the western portion of the Community of Pine Valley, within the County of San Diego. The proposed project also includes the preservation of 10.84 acres in a biological open space easement. Access will be provided by private road from Pine Valley Road. Water will be provided by private wells. The project proposes septic systems. The project site is currently developed with a single-family residence, horse barn, riding and training facilities, and pasture lands. No offsite impacts will occur as a result of the proposed project. The project site is not located within the Multiple Species Conservation Program (MSCP).

This report provides information regarding existing conditions, and performs an impact analysis based on the current site design. This report also identifies mitigation measures to reduce any impacts to below a level of significance.

General biological surveys and a habitat suitability assessment for the arroyo southwestern toad (*Bufo micropscaphus californicus*) were performed onsite. The biological resources onsite include five habitat types: southern arroyo willow riparian forest, big sagebrush scrub, Jeffrey pine forest, non-native grassland, and developed. Biological resources that are afforded some level of protection under the Resource Protection Ordinance (RPO) would include the southern arroyo willow riparian forest, big sagebrush scrub, Jeffrey pine forest and non-native grassland. The project site also contains an Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), California Regional Water Quality Control Board (RWQCB) and County Resource Protection Ordinance (RPO) jurisdictional wetland, Pine Valley Creek.

No state or federally listed sensitive plant species were observed onsite. One County Group 1 sensitive wildlife species, turkey vulture (*Cathartes aura*) was observed flying over the project site. One County Group 2 species, San Diego Horned Lizard (*Phrynosoma cornutum blainvillei*) was observed. Four sensitive wildlife species have a high potential to occur and nine have a moderate potential to occur. No sensitive plant species were observed onsite. One sensitive plant species has a high potential to occur and three have a moderate potential to occur. All of the sensitive plants with a high or moderate potential to occur would occur within southern arroyo willow riparian forest within the proposed biological open space onsite.

Impacts to big sagebrush scrub and non-native grassland habitats onsite may occur as a result of the proposed project. Impacts to developed habitat would not be considered significant and would not require mitigation. Impacts to big sagebrush scrub and non-native grassland would be considered significant. Mitigation for impacts to big sagebrush scrub is proposed at a 2:1 ratio and will be mitigated onsite in a biological open space easement. Mitigation for impacts to non-native grassland are proposed at a 0.5:1 ratio and will be mitigated onsite. Potential impacts to sensitive wildlife species observed or with a high or moderate potential to occur onsite will be mitigated by the habitat-based mitigation. Implementation of these mitigation measures will prevent the project from contributing to significantly cumulative impacts to the resources involved.

Introduction, Project Description, Location, and Setting

The proposed project is a minor subdivision and residential development of 21.01 gross acres, APNs 410-021-25 and 410-20-77, into four parcels. The project site is located in the western portion of the Community of Pine Valley, within the County of San Diego. The proposed project also includes the preservation of 10.84 acres in a biological open space easement. Access will be provided by private road from Pine Valley Road. Water will be provided by private wells. The project proposes septic systems. The project site is currently developed with a single-family residence, horse barn, riding and training facilities, and pasture lands. No offsite impacts will occur as a result of the proposed project. The project site is not located within the Multiple Species Conservation Program (MSCP).

The project area is located in eastern portion San Diego County within the Community of Pine Valley (Figure 1). The site is located in an area of rural residential development and contains a single-family residence, horse barn, riding and training facilities, and pasture lands. The site is bordered to the north and south by residential development, to the east by Pine Valley Creek and to the west by Pine Valley Road and undeveloped lands (Figure 2).

Topography and Soils

The project is located within the USGS 7.5' Descanso Quadadrangle, Township 15 South, Range 4 East (Figure 3). The majority of the site is flat and gently slopes to the east where it abuts a steep bank which includes the limits of the 100 year flood plain for Pine Valley Creek. Elevations onsite range from approximately 3635 feet above mean sea level in the east, to approximately 3667 feet above mean sea level in the west. The property includes a portion of the valley which has traditionally been used for pasture and agriculture. The property is currently developed with a single-family residence, horse barn, riding and training facilities, and pasture lands.

The soils onsite consist of Mottsville loamy coarse sand, 2 to 9 percent slopes (MvC), and Riverwash (Rm) (Bowman 1973). Bowman describes Mottsville soil as excessively drained to well-drained soil that formed in granitic alluvium. These soils occur on alluvial fans. Bowman describes riverwash soil as occurring in intermittent streams. The material is typically sandy, gravelly, or cobbly. It is excessively drained and rapidly permeable.

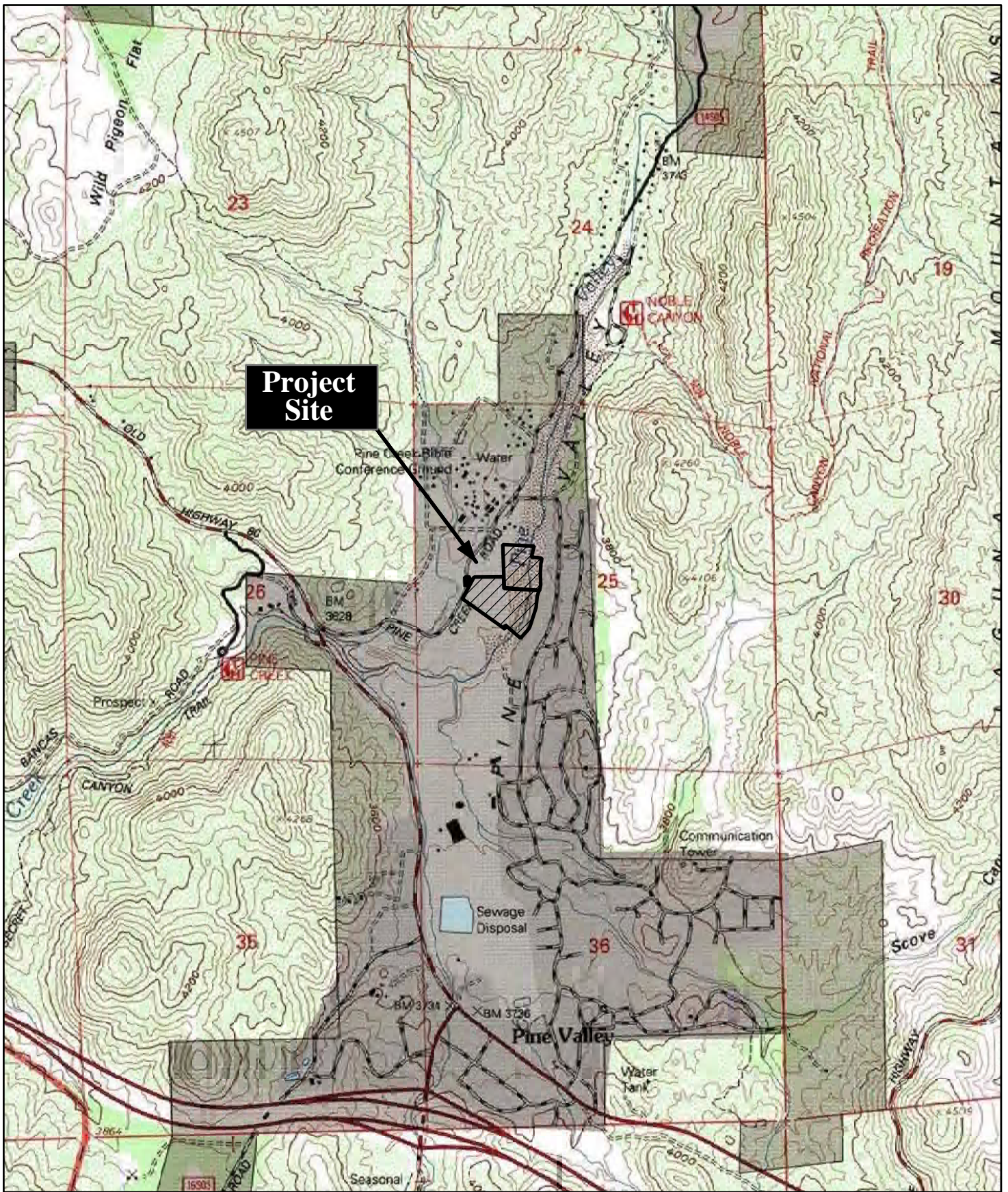
Site Survey

The site was surveyed on foot and habitat mapped (Figure 4). Mapping was performed following the Guidelines For Determining Significance and Survey, Report Format, Content and Mapping Requirements (County 2007). Wildlife species were identified directly by sight or by vocalizations, and indirectly by scat, tracks, or burrows. Field notes were maintained throughout the surveys and species of interest were mapped. The primary focus of the survey was to document and map the size, location, and general quality of all habitat types and the presence or potential presence of any sensitive resources onsite. The site was surveyed on May 6, 2004 from 8:42 AM to 2:10 PM. Weather conditions consisted of sunny skies with a few clouds, wind 0 to 7 M.P.H., and temperatures between 83 and 85 degrees Fahrenheit. A second survey was conducted on January 23, 2008. Weather conditions consisted of mostly cloudy skies, wind 0 to 2 M.P.H., and a temperature of 47 degrees Fahrenheit.

The arroyo southwestern toad (*Bufo microscaphus californicus*), a federally listed endangered species, is known to occur in the vicinity (Pers. Comm.. USFWS). A habitat suitability assessment for the arroyo southwestern toad (*Bufo micrposcaphus californicus*) was completed by Patricia A. Cole of the U.S. Fish and Wildlife Service Carlsbad Office on April 14, 2004. An additional habitat suitability assessment for the arroyo southwestern toad (*Bufo micrposcaphus californicus*) was completed by Michelle

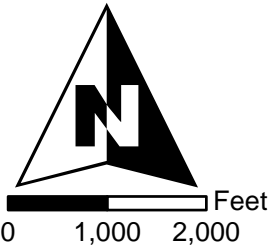


Figure 1
Regional Location Map



Source: USGS 7.5' Descanso Quadrangle

Figure 3
Project Location
Kenyon Property
TPM 20857

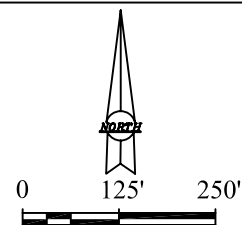


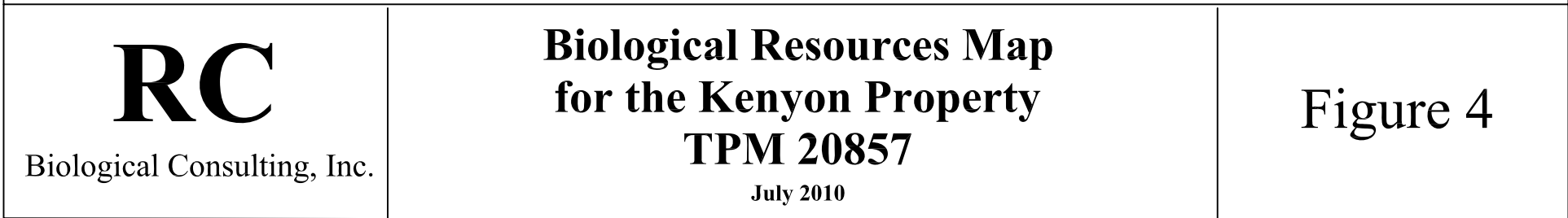


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**Figure 2-Aerial Map
of the Kenyon Property
TPM 20857**





Moreno of the U.S. Fish and Wildlife Service Carlsbad Office on July 16, 2009. The results of the arroyo southwestern toad assessments are summarized in this report.

Nomenclature for this report conforms to Hickman (1993), for plants, Holland (1986) and Oberbauer (2005) for plant communities and habitat types, American Ornithological Union (AOU 1998 and 2000) for birds, Jennings (1983) and Stebbins (2003) for reptiles and amphibians, Jones (1992) for mammals, and Powell (1979) for insects.

Biological Resources Present

The biological resources onsite include five habitat types: southern arroyo willow riparian forest, big sagebrush scrub, Jeffrey pine forest, non-native grassland, and developed. Wildlife observed onsite included seventeen species of invertebrates, two species of amphibians, three species of reptiles, eighteen species of birds and three mammal species. In addition an ACOE, CDFG, RPO and RWQCB jurisdictional wetlands occur onsite.

Habitats and Vegetation Communities

Following is a summary of the existing habitats and vegetation communities on the site. This section includes information the habitat types, the vegetation that was identified in each habitat in acres, the dominant species present and the habitat quality. Species abundance, composition and diversity are discussed in terms of vegetative structure and wildlife, as well as the habitat sensitivity level and regional and local importance of conserving each habitat type.

Habitat descriptions are based on the County of San Diego's Biological Mapping Requirements (included within the Report Format and Content Requirements) (County 2007) and Terrestrial Vegetation Communities in San Diego County based in Holland's Descriptions (Oberbauer 2005), however, it has been shown that habitats on the project sites in San Diego County are often not pristine and rarely fit into one description. Therefore the best-fit definition based on the County's current descriptions and dominant plant species has been applied.

Habitats

The site currently supports five habitat types: southern arroyo willow riparian forest, big sagebrush scrub, Jeffrey pine forest, non-native grassland, and developed. A complete list of plant species observed onsite is included in Appendix A and a complete list of wildlife species observed is included as Appendix B.

Southern Arroyo Willow Riparian Forest (Habitat Code: 61320)

The southern arroyo willow riparian forest habitat onsite qualifies as an ACOE, CDFG, RPO and RWQCB jurisdictional wetland. Pine Valley Creek runs through the eastern

portion of the property in the southern arroyo willow riparian forest habitat. . It flows in a generally north/south direction. Southern arroyo willow riparian forest occurs in a 50 to 100 foot corridor on either side of Pine Valley Creek. This habitat is composed of gravelly soil and is densely vegetated with arroyo willow (*Salix lasiolepis*), mulefat (*Baccharis salicifolia*), western cottonwood (*Populus fremontii*), and soft-flag cattail (*Typhus latifolia*). Typical wildlife species in the southern arroyo willow riparian forest were mallard ducks (*Anas platyrhynchos*), red-winged blackbirds (*Agelaius phoeniceus*), water striders (*Gerridae*), and Pacific treefrog (*Pseudacris regilla*). The southern arroyo willow riparian forest habitat has a high regional value because it is continuous with southern arroyo willow riparian forest habitat offsite, contains jurisdictional wetlands and has a potential to support sensitive species.

Big Sagebrush Scrub (Habitat Code: 35210)

This habitat occurs on both sides of southern arroyo willow riparian forest, essentially within the limits of the floodplain. It ranges from open to a closed shrub community with soils that range from gravelly to loamy and friable. It is primarily composed of big sagebrush (*Artemisia tridentata*) and flat-topped buckwheat (*Eriogonum fasciculatum*) with low growing annuals such as Indian paintbrush (*Castilleja subinclusa*) and field sun cup (*Camissonia hirtella*). It also occurs within the eastern portion of the floodplain, where it co-exists with some riparian species such as deergrass (*Muhlenbergia rigens*), mulefat, and Cleveland's horkelia (*Horkelia clevelandii*). Typical wildlife species in the big sagebrush scrub were California quail (*Callipepla californica*), desert cottontail rabbits (*Sylvilagus audubonii*), ants (*Formicidae*), and bees (*Apidae*). The regional value of the big sagebrush scrub onsite is high due to the fact that it is continuous with big sagebrush scrub offsite and it has the potential to support sensitive species.

Jeffrey Pine Forest (Habitat Code: 85100)

This habitat is located in the eastern portion of the property. There are wide spaces between the trees at this habitat edge, and it forms a transition with big sagebrush scrub. It transitions into a closer Jeffrey pine canopy offsite to the east of the adjacent residential area. It is primarily composed of Jeffrey pine (*Pinus jeffreyi*) in the overstory with a sparse understory represented by big sagebrush, foothill buckwheat (*Eriogonum wrightii*), and deergrass. Species observed in the Jeffrey pine forest were band-tailed pigeons (*Columba fasciata monilis*), and ash-throated flycatcher (*Myiarchus cinerascens*). The regional value of the Jeffrey pine forest onsite is moderate due to the fact that it is fragmented.

Non-Native Grassland (Habitat Code: 42200)

This habitat occurs primarily on the upper flat portion of the site which has previously been used for agriculture. It is currently maintained by mowing and grazing. This habitat is dominated by annual herb and grass species such as red-stem filaree (*Erodium cicutarium*), pineapple weed (*Chamomilla suaveolens*), common ripgut grass (*Bromus diandrus* var. *gussainii*), and cheat-grass (*Bromus tectorum*). Wildlife species observed

in the non-native grassland habitat were Botta's pocket gophers (*Thomomys bottae*), Brewer's blackbirds (*Euphagus cyanocephalus*), and cabbage white butterflies (*Artogeia rapae*). The non-native grassland habitat onsite has a high regional value because it may be suitable habitat for the Arroyo Southwestern toad. The suitability varies in association with rainfall. High rainfall years result in denser growth and ultimately thick thatch that is not suitable as Arroyo Southwestern toad habitat as was the case in during the time the project site was visited by Patricia Cole of US Fish and Wildlife Service in April of 2004.

Developed (Habitat Code: 12000)

This habitat is associated with improved portions of the site such as the existing residence, landscaped yard, driveway, horse barn, corrals, other equestrian features, 100 feet of fire clearing for existing structures, 20 feet of fire clearing off the existing 16 foot wide driveway and portions of Pine Valley Creek Road. Wildlife species observed in the developed portion of the property include rufous-sided towhees (*Pipilo erythrophthalmus*), Anna's hummingbird (*Calypte anna*) and grasshoppers (*Acrididae*). The regional value of the developed habitat onsite is low because it does not contain native vegetation or support sensitive species.

Special Status Species

Following is a summary of all sensitive species with potential to occur on the site or on land immediately adjacent to the site. Sensitive or special interest plant and wildlife species and habitats are those which are considered rare, threatened, or endangered within the state or region by local, state, or federal resource conservation agencies. Sensitive species are so called because of their limited distribution, restricted habitat requirements, particular susceptibility to human disturbance, degradation due to development or invasion by non-native species, or a combination of all of these factors.

The following were used in the determination of sensitive biological resources: U.S. Fish and Wildlife Service (USFWS) (USFWS 2007); California Department of Fish and Game (CDFG) (CDFG 2006 and 2007), County Sensitive Plant and Wildlife list, California Native Plant Society (CNPS 2007), and the California Natural Diversity Database.

Sensitive Plants

A sensitive plant survey was performed onsite. No threatened, endangered or sensitive plant species were observed onsite. Thirty-one sensitive plants have the potential to occur onsite and are discussed in Appendix C. Since the field-work was completed in May and January all of the sensitive species with the potential to occur would have been identifiable with the exception of round leaved boykinia (*Boykinia rotundifolia*), Bernardino Mountain owl's clover (*Castilleja lasiorhynchus*), San Diego Gumplant (*Grindelia hirsutula* var. *hallii*), Hall's monardella (*Monardella macrantha* ssp. *hallii*), San Felipe monardella (*Monardella nana* ssp. *leptosiphon*), Mount Laguna aster (*Machaeranthera asteroides* var. *lagunensis*) and southern skullcap (*Scutellaria bolanderi*

ssp. austromontana). Of the species that would not have been identifiable during surveys, southern skullcap has a high potential to occur and round leaved boykinia, Mount Laguna aster and Hall's monardella have a moderate potential to occur in the southern arroyo willow riparian forest onsite. Of the species with a high or moderate potential to occur onsite, these species have a low potential to occur within the non-native grassland habitat which is the portion of the property proposed for development. Sensitive plant species with the potential to occur on-site are discussed in Appendix C and the sensitivity codes are located in Appendix E.

Sensitive Wildlife

No threatened or endangered wildlife species were observed onsite. A County Group 1 sensitive wildlife species was observed flying over the project site, the turkey vulture (*Cathartes aura*). One individual was seen soaring over the site. One County Group 2 species, San Diego Horned Lizard (*Phrynosoma cornutum blainvillei*) was observed east of the proposed house on Parcel 1 by County Staff member Diane Buell on May 13, 2010.

A total of thirty-one additional sensitive wildlife species with the potential to occur onsite are identified within Appendix D and the sensitivity codes are located in Appendix E. Of the thirty-two additional sensitive species with a potential to occur onsite, two were observed just off-site in unrelated surveys. The arroyo southwestern toad was found on a bench above Pine Valley Creek (Pers. Comm. USFWS). The western bluebird (*Sialia mexicana*) was observed on an adjacent property (RC Biological, 2003). Two additional species have a high potential to occur due to appropriate habitat and the fact that they are known to occur in the vicinity (Pers. Comm. USFWS): Southern mule deer (*Odocoileus hemionus*) and red-shouldered hawk (*Buteo lineatus*).

Nine species have a moderate potential to occur onsite due to appropriate habitat: San Diego ringneck snake (*Diadophis punctatus similis*), golden eagle (*Aquila chrysaetos canadensis*), large-blotched salamander (*Ensatina eschscholtzi klauberi*), small-footed myotis (*Myotis ciliolabrum*), Townsend's western big-eared bat (*Corynorhinus townsendii*), western red bat (*Lasiurus blossevillii*), horned lark (*Eremophila alpestris actia*), sharp-shinned hawk (*Accipiter striatus*) and mountain quail (*Oreotyx pictus eremophila*).

All of the species with a high or moderate potential to occur onsite are federal species of concern (SOC) and/or California species of concern (CSC) with the exception of the San Diego ringneck snake, southern mule deer, western red bat, arroyo southwestern toad, western bluebird and mountain quail. The San Diego ringneck snake, southern mule deer, western red bat, western bluebird and the mountain quail are on the County Sensitive species. The arroyo southwestern toad is federally listed as endangered and a CSC. Two habitat assessments were performed for this species by US Fish and Wildlife Service. Another federally listed species, California red-legged frog (*Rana aurora draytonii*), has a low potential to occur onsite. These species are discussed below.

Arroyo Southwestern Toad (*Bufo micrposcaphus californicus*)

Status: Federally listed as Endangered, State Species of Special Concern

The arroyo southwestern toad was listed as federally endangered in December 1994. This species is a small toad (2 to 3 inches), light greenish gray or tan with warty skin and dark spots. This species is restricted to rivers that have shallow, gravelly pools adjacent to sandy terraces. Breeding occurs on large streams with persistent water from March to mid-June. Eggs are deposited and larvae develop in shallow pools with minimal current and little or no emergent vegetation and with sand or pea gravel substrate overlain with flocculent silt. After metamorphosis (June or July), the juvenile toads remain on the bordering gravel bars until the pool no longer persists. Juvenile and adults forage for insects on sandy stream terraces that have nearly complete closure of cottonwoods, oaks, or willows and almost no grass and herbaceous cover at ground level. Adult toads excavate shallow burrows on the terraces where they shelter during the day when the surface is damp or during longer intervals during the dry season (Federal Register 1994).

In the spring of 2003 for a project adjacent to the Kenyon property, a focused presence/absence survey for the arroyo southwestern toad was performed by Ecological Ventures Inc. pursuant to the current protocol for this species. The survey did detect one arroyo southwestern toad foraging within the mulefat scrub and sandy-gravelly bench on the newly added parcel to the north. The habitat has been mapped as southern arroyo willow riparian forest on the vegetation map. This report is old and considered out-dated at this time.

Patricia Cole of the US Fish and Wildlife Service visited the Kenyon property to assess the potential for the arroyo southwestern toad to occur within the portion of the project proposed for development on April 13, 2004. She determined that the portions of the Kenyon property that are proposed to be developed --non-native grassland and developed habitats-- have dense vegetative cover and or and lack friable soils, thus yielding them unsuitable for the toad. However, she did observe appropriate arroyo southwestern toad habitat in the southern arroyo willow riparian forest and big sagebrush scrub habitats. She recommended that toads be excluded from the construction site with silt fencing during the grading phases, as they might be attracted to the soil which is made loose or is piled up (Appendix F).

On July 16, 2009 Michelle Moreno of the US Fish and Wildlife Service, Beth Ehsan of the County Department of Planning and Land Use and Robin Church of RC Biological Consulting, Inc. visited the Kenyon property to assess the potential for the arroyo southwestern toad to occur within the proposed area for development. It was determined that the species had a low potential to occur within the proposed development area and that a formal consultation was not necessary. Conservation measures were provided by Ms. Moreno and are included within the Mitigation Section of this report. Additionally it was agreed that the "excess" big sage brush scrub onsite could be used as mitigation for impacts to non-native grassland due to it being a higher value habitat and adjacent to the area already proposed for conservation.

California red-legged frog (*Rana aurora draytonii*)

Status: Federally listed as Threatened, State Species of Concern

The California red-legged frog was listed as federally threatened in 1996. This species is the largest native frog in the western U.S., ranging from 1.5 to 5 inches in length. The abdomen and hind legs of the adults are largely red. The back has dark flecks and blotches, some with light centers, on a brown, gray, olive, or reddish background color. The habitat of the California red-legged frog contains both aquatic and riparian components. The adults require dense, shrubby, or emergent riparian vegetation closely associated with water that is deeper than 2 and 1/3 feet, slowly moving or still. The largest densities of California red-legged frogs are associated with deep-water pools with dense stands of overhanging willows and an intermixed fringe of cattails. Well-vegetated terrestrial areas within the riparian corridor may provide important sheltering habitat during the winter. They have been found up to 100 feet from water in adjacent dense riparian vegetation. The species is believed to be extirpated from the southern transverse and peninsular ranges, but is still present in Baja California, Mexico. Pine Valley Creek runs seasonally, the Kenyon property is above the elevation range for this species and none have ever been recorded as being observed in the local Pine Valley Creek watershed. Therefore there is a low potential for the California red-legged frog to occur onsite.

Raptors

Raptors are large predatory or scavenger birds that typically require tall trees for perching and nesting associated with adjacent open grasslands to forage. Due to declining habitat and the associated declining numbers of these species on the whole, raptor species, as a group, have been designated as California Species of Special Concern by the CDFG. These species are protected, especially during their critical nesting and wintering stages. Raptors are protected under the CDFG California Raptor Protection Act (Title 14, Section 670). The big sagebrush scrub, non-native grassland, southwestern arroyo willow riparian forest, and Jeffrey pine forest have a high potential to be used by raptors for foraging due to the diversity of appropriate habitats.

Jurisdictional Wetlands and Waterways

The project site contains Pine Valley Creek, a distinct wetland feature that runs from the north, to the south, in the eastern portion of the property. The wetland encompasses the southern arroyo willow riparian forest habitat onsite. The wetland contained areas of open water at the time of surveys and was dominated by riparian plants including arroyo willow (*Salix lasiolepis*), mulefat (*Baccharis salicifolia*), western cottonwood (*Populus fremontii*), and soft-flag cattail (*Typhus latifolia*). Wildlife species observed in the wetland onsite include mallard ducks (*Anas platyrhynchos*), red-winged blackbirds (*Agelaius phoeniceus*), water striders (*Gerridae*), and Pacific treefrog (*Pseudacris regilla*).

The wetland features would be considered jurisdictional under one or more of the following agencies: Army Corps of Engineers, California Department of Fish and Game, California Regional Water Quality Control Board and County Resource Protection Ordinance. These jurisdictions are discussed below.

Army Corps of Engineers (ACOE) – Clean Water Act

Pursuant to Section 404 of the Clean Water Act, any onsite wetlands and waters of the U.S. would be subject to permit provisions regulating activities within their boundaries. These provisions are enforced by the ACOE, as well as the EPA, with technical input from the USFWS. Three factors are considered in the designation of wetlands: the presence of hydrophytic vegetation, hydric soils, and site hydrology. According to the latest ACOE methodology, all three wetland indicators must be present to make a jurisdictional ruling (Environmental Laboratory 1987). Areas indicated as wetlands by all three factors during the rainy season may lack the indicators of hydrology and/or vegetation during the dry season, or the vegetation may have been altered or removed through human disturbance. Such areas may still be regarded as wetlands by resource agencies.

In addition, the ACOE has jurisdiction over “waters of the United States”. Waters of the United States are defined in 33 CFR part 328 (referred to as “waters”). The lateral limits of the jurisdiction of waters maybe divided into three categories, territorial seas, tidal waters and non-tidal waters. 33 CFR part 328.3 provides the definition of waters of the United States as follows:

- (a) The term *waters of the United States* means
 - (1) all waters which are currently used, or were used in the past, or maybe susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (2) All interstate waters including interstate wetlands;
 - (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce, including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are or could be used for industrial purpose by industries in interstate commerce;
 - (4) All impoundments of waters otherwise defined as waters of the United States under the definition;

- (5) Tributaries of waters identified in (a) (1) through (4) of this section;
- (6) The territorial seas
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

Waste treatment systems, including treatments of ponds or lagoons designed to meet the requirements if CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

- (8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA remains with the Environmental Protection Agency (EPA).
- (b) The term *wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- (c) The term *adjacent* means bordering, contiguous or neighboring. Wetlands separated from other waters of the United States by man made dikes or barriers, natural river berms, beach dunes and the like are "adjacent wetlands."
- (d) The term *high tide line* means the line of intersection of the land with the water's surface to the maximum height reached by a rising tide.....
- (e) The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- (f) The term *tidal waters* mean those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun....

The limits of jurisdiction in non-tidal waters is defined in 30 CFR part 328.4 (c). When non-tidal waters occur in the absence of adjacent wetlands, the jurisdiction extends to ordinary high water mark.

The southern arroyo willow riparian forest would be considered a wetland within the definitions provided by the ACOE (Figure 4).

California Department of Fish and Game – Streambed Alteration Program

The CDFG regulates wetlands under Sections 1600 - 1616 of the California Fish and Game Code through their Streambed Alteration Agreement Program. Any alteration of any stream course within the State of California requires a Streambed Alteration Agreement from the CDFG. Section 1602 specifically states: “It is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity...”

A stream is defined by the California Code of Regulations (14 CCR 1.72) as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supporting fish or other aquatic wildlife. This includes watercourses having a surface or subsurface flow that supports or has supported riparian habitat.

The limits of CDFG jurisdiction are defined in the code as the bed, channel, or bank of any river, stream or lake designated by the department in which there is at any time existing fish or wildlife resource or from which these resources derive benefit

The southern arroyo willow riparian forest would be within the jurisdiction of the CDFG.

Regional Water Quality Control Board (RWQCB)

The state Regional Water Quality Control Board (RWQCB) issues 401 certifications for projects having impacts pursuant to Section 404 of the Clean Water Act and the Porter Cologne Act. The State protects and regulates isolated waters through the California Water Code. California Water Code section 13260 requires “any person discharging waste, or proposing to discharge waste, within any region that could affect the *waters of the state* to file a report of discharge (an application for waste discharge requirements)” (Water Code § 13260(a) (1)).

The term “waters of the state” is defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (Water Code § 13050(e)). While all waters of the United States that are within the borders of California are also waters of the state, the converse is not true—waters of the United States is a subset of waters of the state. Thus, since Porter-Cologne was enacted, California always had and retains authority to regulate discharges of waste into any waters of the state, regardless of whether the ACOE has concurrent jurisdiction under section 404. The fact that often Regional Boards opted to regulate discharges to, e.g., vernal pools, through the 401 program in lieu of or in addition to issuing waste discharge requirements (or waivers thereof) does not preclude the regions from issuing WDRs (or waivers of WDRs) in the absence of a request for 401 certification. Under state law, the duty to file a report of waste discharge is mandatory; if a project proposes to impact surface water that is “isolated”, the project must apply for and obtain waste discharge requirements prior to impacting that waterbody.

The RWQCB regulates “any surface water or groundwater, including saline waters, within the boundaries of the state.” The limits of the Regional Water Quality Control Board would cover the southern arroyo willow riparian forest onsite (Figure 4).

Resource Protection Ordinance (RPO)

The purpose of the RPO is to protect sensitive resources located outside of approved MSCP areas, and prevent their degradation and loss. The sensitive resources protected by the RPO include wetlands, wetland buffer areas, and sensitive habitat lands, which are defined by the County as follows:

Lands having one or more of the following attributes are “wetlands”:

- aa. At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);
- bb. The substratum is predominantly undrained hydric soil; or
- cc. An ephemeral or perennial stream is present, whose substratum is predominately non-soil, and in which either:
 - i. water from a tributary drainage area of 100 acres or larger flow; or
 - ii. (for waters from a tributary drainage of less than 100 acres) substantial evidence demonstrates that such lands contribute substantially to the biological function or value of adjacent wetlands located up-or down-stream.

"Wetland buffer" areas include lands that provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community. Buffer widths shall be 50 to 200 feet from the edge of the wetland as appropriate based on above factors. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width).

The southern arroyo willow riparian forest would qualify as an RPO wetland (Figure 4). The project proposes a 50 foot wetland buffer and a 100 foot limited building zone which will allow the existing residence and barn to continue to maintain 100 feet of fire clearing adjacent to the structures.

Other Unique Features/Resources

Wildlife Corridors and Linkages

The proposed open space is designed with many constraints in mind so that it would best preserve the local wildlife corridor, Pine Valley Creek, which connects the Kenyon property to undeveloped land to the north and south (Figure 3). The proposed open space is located in the eastern portion of the property (Figure 5). No sensitive species have been observed in the proposed open space, however there is a high potential for arroyo

southwestern toad to occur and the proposed open space contains Pine Valley Creek which qualifies as an ACOE, CDFG, RWQCB and RPO wetland. This design will allow for the sensitive species to continue utilizing it. The composition of habitats in the proposed open space, southern arroyo willow riparian forest, big sagebrush scrub, Jeffery pine forest and non-native grassland are both open and dense and would provide suitable habitat for a large diversity of species including large and small mammals, birds and raptors, amphibians, insects and sensitive plants. This design will also retain the continuity with undeveloped lands offsite, by keeping the proposed development clustered with existing residential development to the west (Figure 5). By keeping the proposed development adjacent to existing development, the north-south direction of wildlife travel is not compromised. As designed, the open space onsite is biologically viable because it will maintain the present north-south linkage to undeveloped lands and the biodiversity of the creek. Indirect effects such as noise and lighting will be limited since the extent of the development is only three additional homes.

Raptor Nesting

The site contains mature Jeffery pine trees that can support raptor nesting. Raptors are large predatory or scavenger birds that typically require tall trees for perching and nesting associated with adjacent open grasslands to forage. Due to declining habitat and the associated declining numbers of these species on the whole, many raptor species have been designated as California Species of Special Concern by the CDFG. These species are protected, especially during their critical nesting and wintering stages. Raptors are protected under the CDFG California Raptor Protection Act (Title 14, Section 670). No raptors were observed on the Kenyon property. No raptor nests were observed within the trees onsite.

Significance of Project Impacts and Proposed Mitigation

Following is a summary of impacts to biological resources. Applicable and feasible mitigation measures, as required, are proposed that will reduce impacts to less than significant in conformance with the County of San Diego Guidelines for Determining Significance for Biological Resources (County 2007).

The proposed project is a minor subdivision and residential development of 21.01 gross acres, APNs 410-021-25 and 410-020-77, into four parcels. As part of the project, development including building pads, roadways, and utilities would be graded.

The project is located outside of the MSCP. Table 2 identifies the potential impacts as a result of the proposed project. Impacts to big sagebrush scrub and non-native grassland will be mitigated onsite in conformance with the Guidelines For Determining Significance and Survey, Report Format, Content and Mapping Requirements (County 2007). Fuel modification will be contained within the project site. No offsite impacts are proposed. Biological resources and proposed impacts are depicted in Figure 4. A biological open space easement including a jurisdictional wetland and sensitive habitat is

proposed (Figure 5). Table 2, identifies the habitats and potential impacts onsite.

<p style="text-align: center;">Table 2 Habitat Acreages and Potential Impacts on the Kenyon TPM 20857</p>							
Habitat	Total Acres	Impact Neutral (acres)	Direct Impacts (acres)	Mitigation Ratio	Mitigation Required (acres)	Mitigation Onsite (acres)	Total Preserved Onsite
Southern Arroyo Willow Riparian Forest	2.1	2.1	0	NA	NA	NA	2.1
Big Sagebrush Scrub	7.18	3.06	0.34	2:1	0.68	3.78*	6.84
Jeffrey Pine Forest	1.28	0	0	NA	NA	NA	1.28
Non-Native Grassland	5.89	0	5.76	0.5:1	2.88	0.12	0.12
Developed	4.56	0	NA	NA	NA	NA	0.55
Total	21.01	5.16					10.89

*The excess of the 3.78 acres of big sagebrush scrub, 3.10 acres, may provide mitigation for non-native grassland habitat due to the fact that it is suitable arroyo toad habitat, is open enough for raptor to forage and is within a local wildlife corridor.

Significance of Project Impacts

This section addresses potential direct, indirect, and cumulative impacts to biological resources that would result from implementation of the proposed project, and provides analyses of significance for each potential impact in conformance with the Guidelines For Determining Significance and Survey, Report Format, Content and Mapping Requirements (County 2007).

Direct Impacts are immediate impacts resulting from the permanent removal of habitat.

Indirect Impacts result from changes in land use adjacent to natural habitat and primarily result from adverse “edge effects;” either short-term indirect impacts related to construction or long-term, chronic indirect impacts associated with urban development. During construction of the project, short-term indirect impacts include dust and noise which could temporarily disrupt habitat and species vitality or construction related soil erosion and run-off. Long-term indirect impacts may include intrusions by humans and domestic pets, noise, lighting, invasion by exotic plant and wildlife species, use of toxic chemicals (fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, litter, fire, and hydrological changes (e.g., groundwater level and quality).

Cumulative Impacts refer to incremental individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor, but collectively significant as they occur over a period of time.

Thresholds of Significance

The evaluation of whether or not an impact to a particular biological resource is significant must consider both the resource itself and the role of that resource in a regional context. Substantial impacts are those that contribute to, or result in, permanent loss of an important resource, such as a population of a rare plant or wildlife. Impacts may be important locally because they result in an adverse alteration of existing site conditions, but considered not significant because they do not contribute substantially to the permanent loss of that resource regionally. The severity of an impact is the primary determinant of whether or not that impact can be mitigated to a level below significant. Generally, there are three levels of adverse impacts associated with biological resources: significant, locally important, and not significant. These levels of impacts were applied to the project site and are used below in the discussion of specific potential impacts.

Direct impacts to the big sagebrush scrub and non-native grassland habitats onsite would be considered significant. Direct impacts to the developed habitat onsite would not be considered significant. No direct impacts will occur to sensitive plant or wildlife species. Mitigation is required for the direct impacts to sensitive habitats. These impacts are discussed below.

Southern Arroyo Willow Riparian Forest

No impacts are proposed to the southern arroyo willow riparian forest habitat as a result of the proposed project.

Big Sagebrush Scrub

Direct impacts will occur to big sagebrush scrub resulting in significant impacts. Approximately 0.34 acre of big sagebrush scrub habitat will be impacted as a result of the proposed project. The big sagebrush scrub that is proposed to be impacted is separated from the creek by the existing development onsite. Mitigation will occur at a 2:1 ratio through the onsite preservation of 0.68 acre of big sagebrush scrub in a biological open space easement.

Jeffrey Pine Forest

No impacts are proposed to the Jeffrey pine forest as a result of the proposed project.

Non-Native Grassland

Direct impacts will occur to non-native grassland resulting in significant impacts. Approximately 5.76 acres of non-native grassland habitat will be impacted as a result of the proposed project. Mitigation will occur at a 0.5 ratio through the preservation of 0.12 acre of non-native grassland and 3.10 acres of big sagebrush scrub habitat. Big sagebrush scrub habitat is appropriate mitigation habitat for non-native grassland because it serves the same functions and values of concern, primarily upland habitat for arroyo southwestern toad and foraging habitat for raptors. It is also considered a higher quality habitat.

Developed

No new uses are proposed to the developed habitat onsite. No significant impacts would occur.

RPO Wetland and Wetland Buffer

RPO defines "Wetland buffer" areas as lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community. The Resource Protection Ordinance does not specify a required buffer width, however, County Policy as stated in the Guidelines For Determining Significance and Survey, Report Format, Content and Mapping Requirements (County 2007) is that the County generally requires buffers a minimum of 50 feet and a maximum of 200 feet. Factors to consider when determining the appropriate width of the buffer include: existence of hydrophytic vegetation, condition of the existing wetland, whether the wetland/buffer serve as a wildlife corridor, existence of sensitive species, connectivity and condition of the wetland up and down stream.

The drainage onsite contains Pine Valley Creek, a blue-line stream with a predominance of hydrophytic vegetation. The project proposes a buffer of 50 feet from the limits of the RPO wetland (same as limits of the southern arroyo willow riparian forest). The limits of the RPO wetland, as well as a 50 foot wetland buffer are proposed within a biological open space easement onsite (Figure 5). A 100 foot limited building zone easement is proposed between the biological open space easement in the east, and the existing development (residence and barn) to the west.

Sensitive Plant Species

No sensitive plant species were observed onsite, therefore, no impacts will occur to sensitive plant species. All sensitive plants with a high or moderate potential to occur would be located within the area proposed to be placed in a biological open space easement onsite.

Sensitive Wildlife Species

Two sensitive animal species, the turkey vulture and the San Diego horned lizard were observed onsite. An additional fourteen species have a moderate or high potential to occur onsite. Impacts to the sensitive species observed onsite and with the potential to occur would be considered significant.

Indirect Impacts

Significant impacts to Pine Valley Creek may occur if the use of the existing and two new proposed wells resulted in groundwater draw down within the alluvial layer, the portion of the ground water used by the vegetation and wildlife associated with the creek. The Well Testing Report completed by John Peterson, Peterson Environmental Consulting, dated February 2009 states (Page 12) "The project impact resulting from the addition of 2 wells with 5 years of continuous production and no groundwater recharge during the period is 0.2 feet." This is far less than the Biological Significance Threshold of 3 feet for impacts to riparian habitats. As a result no significant impacts will occur as a result of groundwater draw down as a result of the project.

Cumulative Impacts

The proposed project will impact non-native grassland and big sagebrush scrub, which in this location can serve both as upland habitat for the arroyo southwestern toad and raptor foraging habitat with an emphasis on the golden eagle. The cumulative impact analysis focused on identifying the appropriate geographic limits (Figure 6) for these species and reviewing past, present and foreseeable projects and their impacts in within this geographic area. The projects analyzed and their impacts are included as Appendix G.

Non-native Grassland and Big Sagebrush Scrub as Golden Eagle and Raptor Foraging Habitat

The geographic limits of the study area are based on the San Diego County Atlas (Unitt 2004) map for the golden eagle indicating an area of wintering locations within the project vicinity. No known breeding locations occur within the area. The area was further refined by reviewing the vegetation map (SanGIS 1997) and determining the approximate acreage of suitable habitat which includes big sagebrush scrub, coastal sage scrub, existing agriculture, flat-top buckwheat, foothill mountain perennial grassland, montane meadow, non-native grassland, valley and foothill grasslands. Based on this analysis there are approximately 3,300 acres of golden eagle/raptor foraging habitat within the project area. Additionally, early successional stages of forests and shrub communities may be utilized (Zeiner 1990). Due to the fires in the past five years there is a significant amount of this habitat in the vicinity which was not included in the analysis.

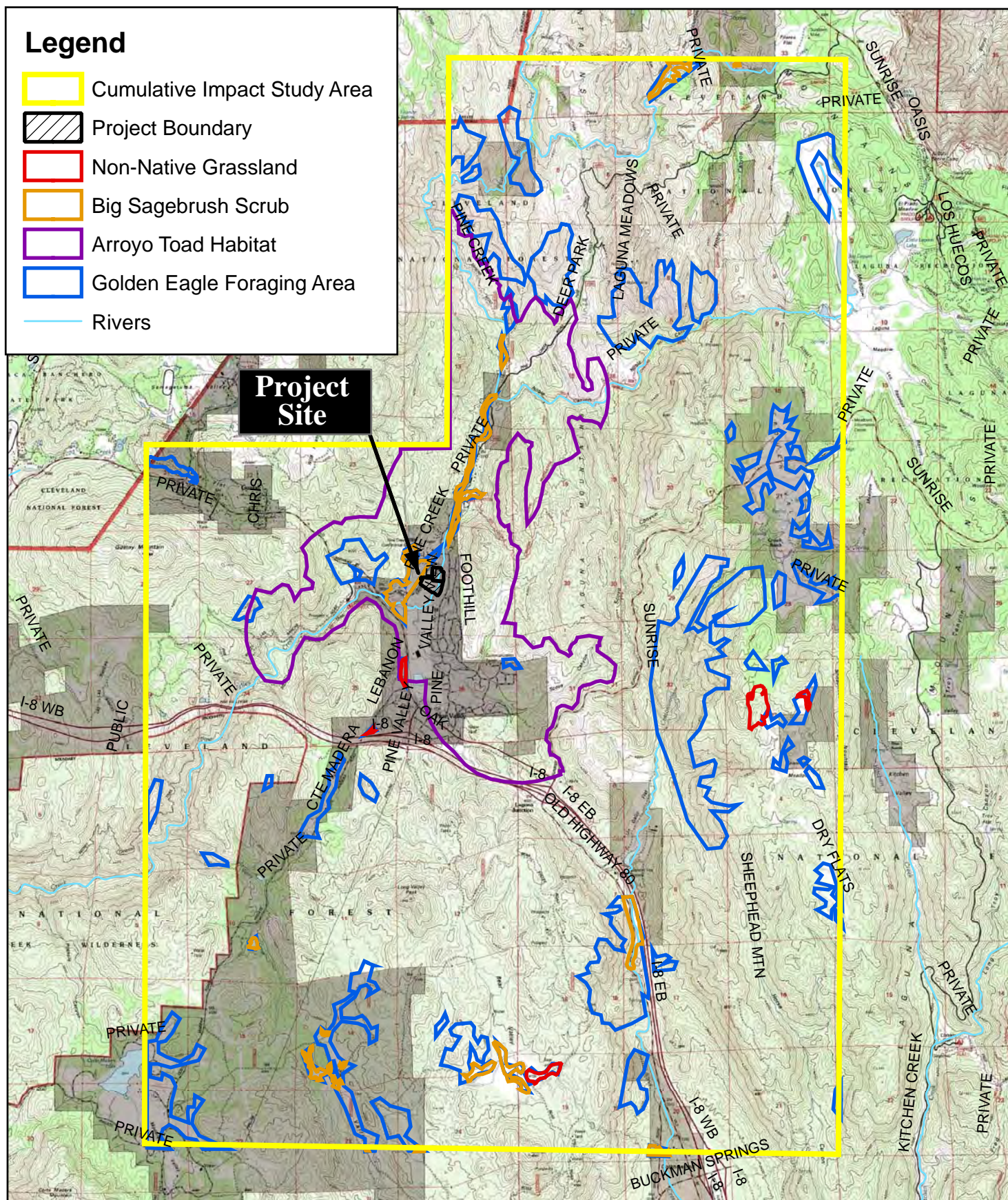
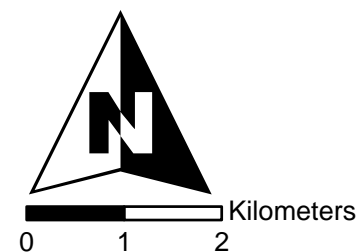


Figure 6
Cumulative Impact Study Area
Kenyon Property
TPM 20857



The proposed project will impact 6.04 acres (5.76 acres of non-native grassland, 0.34 acres of big sagebrush scrub) of raptor foraging habitat. Of the projects reviewed Top of the Pines (TPM 20951) will impact an additional 1.26 acres of big sagebrush scrub and Pine Valley Park Estates (TM 5318) will impact an unknown amount raptor foraging habitat. The known quantifiable cumulative impacts to raptor foraging habitat is 7.26 acres. This represents impacts to less than 1% of the golden eagle and raptor foraging habitat in the project area. Therefore, the cumulative impacts are not cumulatively considerable.

Non-native Grassland and Big Sagebrush Scrub as Arroyo Southwestern Toad Habitat

The geographic limits of the study were identified by outlining the known locations of the arroyo southwestern toad as identified by the California Natural Diversity Data Base. This area was further refined by limiting the extent to 1 Kilometer from the creek and/or an increase of 80 feet in elevation. These distances were selected because they are documented distances that the arroyo southwestern toad has been found to utilize as upland habitat. The area was further refined by reviewing the vegetation map (SanGIS 1997) and determining the approximate acreage of suitable habitat which includes northern mixed chaparral, open and dense coast live oak woodland, big sagebrush scrub, chamise chaparral, southern riparian forest, existing agriculture, and mix oak/coniferous/big cone/coulter pine forest (CDFG 2007b & SanGIS 1997). Based on this analysis there are approximately 4,300 acres of arroyo southwestern toad habitat within the project vicinity.

The proposed project will impact 0.34 acres (big sagebrush scrub) of potential upland arroyo southwestern toad habitat. Of the projects reviewed Top of the Pines (TPM 20951) will impact an additional 1.26 acres of big sagebrush scrub, SDGE Mountain Empire Training Center (P-88-044W2) will impact 3.76 acres of northern mixed chaparral and Pine Valley Park Estates (TM 5318) will impact an unknown amount of habitat. The known quantifiable cumulative impact to arroyo southwestern toad habitat is 5.36 acres. This represents impacts to less than 1% of the potential arroyo southwestern toad habitat in the project area. Therefore, the cumulative impacts are not cumulatively considerable.

Mitigation

Under CEQA, mitigation is required for all significant biological impacts (i.e. impacts within highly constrained areas). The following mitigation measures are recommendations to offset significant impacts. Recommendations are also given to offset locally important biological impacts. Although mitigation measures are not often required for locally important impacts, local jurisdictions often implement these measures to minimize cumulative impacts within the region. No mitigation is required for impacts to disturbed habitat or intensive agriculture.

The USFWS has adopted mitigation guidelines for significant biological impacts. These include in order of preference, 1) avoidance of impacts, 2) minimization of the impacts to the maximum extent practicable, and 3) mitigation, only if avoidance is not feasible and

the impacts have been minimized. Whenever possible, the significant impact should be avoided using design alternatives such as increasing development density in disturbed habitats while reducing or eliminating density in areas that support sensitive biological resources. If it is not feasible to avoid the impact due to either jurisdictional policy or to economic or topographic constraints, then minimizing of impacts should be considered. Impacts on significant resources should be minimized to the greatest extent feasible. Minimizing includes decreasing lot size for a clustered design, narrowing roadways, increasing buffer zones, etc. If unavoidable impacts to significant resources would still occur, a mitigation plan that would meet the requirements of the reviewing or permitting agencies may be required.

Avoidance and Minimization

The proposed project has been designed to avoid impacts to biological resources in order to minimize significant cumulative impacts. The proposed development is clustered with existing development in a west-east direction (Figures 3 and 5). Impacts to the most sensitive habitat, southern willow riparian forest have been avoided entirely through project design. The proposed project will minimize impacts to sensitive habitats and species as a result of the project design.

Direct Impacts

Direct impacts will occur to big sagebrush scrub and non-native grassland habitats resulting in significant impacts. The project proposes to impact approximately 0.34 acre of big sagebrush scrub and 5.76 acres of non-native grassland. The required mitigation of 1.68 acre of big sagebrush scrub will be conserved onsite in an open space easement (Figure 5). The project proposes to mitigate impacts to 5.76 acres of non-native grassland with 0.12 acres of non-native grassland and 3.1 acres of big sagebrush scrub in the open space easement. The proposed mitigation for direct habitat impacts will reduce the impacts to less than significant. The additional habitat beyond the required mitigation (the area conserved within the RPO wetlands and buffer) will help conserve significant biological resources cumulatively. Potential impacts to sensitive wildlife species observed or with a high or moderate potential to occur onsite will be mitigated by the habitat-based mitigation.

Conservation Measures for the Arroyo Southwestern Toad

The following measures were provided by Michelle Moreno of the USFWS:

1. All construction activities within suitable arroyo toad upland habitat will take place during the arroyo toad breeding season (defined as March 15-July 31).
2. Access to the site will be via pre-existing access routes to the greatest extent possible. Project-related vehicle traffic will be limited to daylight hours as arroyo toads use roadways primarily during nighttime hours.

3. Activities that attract non-native insects (e.g., ants) and toad predators will be minimized by keeping the project site as clean as possible. All food-related trash will be placed in sealed bins or removed from the site.
4. Dust control (*i.e.*, water truck spraying) will be performed in a manner that does not attract toads into the action areas.
5. To preclude arroyo toads from the proposed impact areas, arroyo toad exclusionary fencing will be installed around the proposed impact area prior to implementation of activities. The fence will consist of fabric or plastic at least two feet (0.61 m) high, staked firmly to the ground with the lower one foot of material stretching outward along the ground and secured with a continuous line of gravel bags. No digging or vegetation removal will be associated with the installation of this fence and all materials will be removed when the project is complete. Ingress and egress of equipment and personnel will use a single access point to the site. This access point will be as narrow as possible and will be closed off by exclusionary fencing when personnel are not on the project site.
6. Prior to impacts, but after exclusionary fencing has been installed, at least three surveys for arroyo toads will be conducted within the fenced area by a Service-approved biologist¹. Surveys will be conducted during the appropriate climatic conditions during the appropriate time of day or night to maximize the likelihood of encountering arroyo toads. If climatic conditions are not appropriate for arroyo toad movement during the surveys, the biologist may attempt to illicit a response from the arroyo toads, during nights (*i.e.* at least one hour after sunset) with temperatures above 50 degrees Fahrenheit, by spraying the project area with water to simulate a rain event. If an arroyo toad is found within the project site during the surveys or the maintenance activities, all work will cease and “take” authorization will be obtained from the Service.
7. A Service-approved biologist will be present during initial ground disturbing activities and habitat disturbance to monitor the site for arroyo toads. After this time, the contractor or permittee will designate a person to monitor on-site compliance with all minimization measures. The project biologist will be empowered to halt work activity if necessary and to confer with staff from the Service to ensure proper implementation of species and habitat protection measures. If during project implementation an arroyo toad is found within the project site, all work will be halted and take authorization will be obtained from the Service.
8. The Service-approved biologist will conduct a training session for all project personnel prior to proposed maintenance activities. At a minimum, the training

¹ A Service-approved biologist will be able to identify arroyo toads visually and vocally and will have a minimum of 20 hours of survey experience for this species. To receive approval, the biologist will submit his/her resume and references to the Service for review and approval at least 10 days prior to initiation of project-related activities.

will include a description of the arroyo toad, the general provisions of the Act, the need to adhere to the provisions of the Act, the penalties associated with violating the Act, the general measures that are being implemented avoid and minimize impacts to listed species, and maintenance activity boundaries.

9. Excavations will be properly covered to prevent toads from entering any open pits.
10. The Service-approved biologist will be on call and available as needed throughout the construction activities and will be on site full-time, for two to three days, following any measureable rainfall.
14. The following conditions will implemented during project-related activities:
 - a. Pets of project personnel will not be allowed on the project site;
 - b. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the United States or their banks;
 - c. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.

Cumulative Impacts

The proposed project will contribute to the cumulative loss of non-native grassland and big sagebrush scrub within the project area. The primary value of these habitats is as golden eagle/raptor foraging habitat and upland habitat for the Arroyo Southwestern Toad.

This project's contribution to the cumulative habitat loss will be less than cumulatively considerable.

Conclusion

The project will preserve 10.84 acres of southern arroyo willow riparian forest, big sagebrush scrub, Jeffery pine forest and non-native grassland onsite in an area adjacent to vacant undeveloped land to the north and south. The preserved area will create a biologically-viable preserve design that will maintain an existing wildlife corridor (Pine Valley Creek) and will contribute toward a preserve system containing both dense and open habitats that can sustain sensitive wildlife species with a high and moderate potential to occur in this portion of the County. The preserved habitat will contribute to the development of biologically-viable areas that support multiple habitats and species. The project includes a dedicated Limited Building Zone Easement onsite to prohibit construction of habitable structures that would require fire-clearing into the onsite preserve, and will construct a fence and signage to prevent additional indirect habitat impacts. The project also includes a dedicated wetland buffer onsite to prevent indirect impacts to the environmental and functional habitat values of the wetland. Through the proposed design and mitigation measures, the project will not have significant impacts nor contribute to cumulatively considerable impacts to biological resources.

Preparer and Persons/Organizations Contacted

This report has been prepared by Robin Church, County Approved Biologist.

Robin Church

Robin Church, County Approved Biologist

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APPENDIX A
PLANT SPECIES OBSERVED

APPENDIX A
PLANT SPECIES OBSERVED ON THE KENYON PROPERTY TPM 20857

Family Name	Species Name ♦	Common Name	Habitat
AMARANTHACEAE	<i>Amaranthus sp.</i>	Amaranth	NNG
APIACEAE	<i>Conium maculatum</i> ♦	Spotted poison hemlock	SAWRF
ASTERACEAE	<i>Artemisia douglasiana</i>	Douglas mugwort	SAWRF
ASTERACEAE	<i>Artemisia tridentata</i>	Great Basin sagebrush	BSS, JPF
ASTERACEAE	<i>Baccharis salicifolia</i>	Mulefat	BSS, SAWRF
ASTERACEAE	<i>Chamomilla suaveolens</i> ♦	Pineapple weed	NNG
ASTERACEAE	<i>Cirsium occidentale</i>	Cobweb thistle	SAWRF
ASTERACEAE	<i>Eriophyllum confertiflorum</i>	Golden yarrow	SAWRF
ASTERACEAE	<i>Gnaphalium luteo-album</i>		BSS, SAWRF
ASTERACEAE	<i>Gutierrezia sp.</i>		BSS
ASTERACEAE	<i>Microseris douglasii</i>	Douglas' microseris	NNG
ASTERACEAE	<i>Taraxacum officinale</i> ♦	Dandelion	NNG
BORAGINACEAE	<i>Plagiobothrys sp.</i>	Popcornflower	BSS
BRASSICACEAE	<i>Barbarea orthoceras</i>	American wintercress	SAWRF
BRASSICACEAE	<i>Brassica nigra</i> ♦	Black mustard	NNG, SAWRF
BRASSICACEAE	<i>Capsella bursa-pastoris</i> ♦	Weedy shepards purse	NNG
BRASSICACEAE	<i>Descurainia pinnata</i>	Tansymustard	BSS
BRASSICACEAE	<i>Hirschfeldia incana</i> ♦	Short-pod mustard	SAWRF
BRASSICACEAE	<i>Rorippa nasturtium-aquaticum</i>	Water-cress	SAWRF
BRASSICACEAE	<i>Sisymbrium altissimum</i>	Tumble mustard	NNG
CUPRESSACEAE	<i>Calocedrus decurrens</i>	California incense cedar	DE
CYPERACEAE	<i>Cyperus sp.</i>		SAWRF
ERICACEAE	<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	BSS
ERICACEAE	<i>Arctostaphylos patula</i>	Pine manzanita	BSS
FABACEAE	<i>Lupinus latifolius parishii</i>	Parish's stream lupine	SAWRF
FABACEAE	<i>Melilotus albus</i> ♦	White sweet clover	SAWRF
FAGACEAE	<i>Quercus wislizenii frutescens</i>	Scrub live oak	BSS
GERANIACEAE	<i>Erodium cicutarium</i> ♦	Red-stem filaree	NNG
GROSSULARIACEAE	<i>Ribes sp.</i>	Currant	SAWRF
HYDROPHYLLACEAE	<i>Phacelia imbricata</i>		SAWRF
JUNCACEAE	<i>Juncus sp.</i>		SAWRF
LAMIACEAE	<i>Lamium amplexicaule</i> ♦	Henbit deadnettle	SAWRF
LAMIACEAE	<i>Mentha sp.</i>	Mint	SAWRF
ONAGRACEAE	<i>Camissonia sp.</i>	Evening primrose	BSS, NNG
ONAGRACEAE	<i>Camissonia hirtella</i>	Field suncup	BSS
PAPAVERACEAE	<i>Eschscholzia californica</i>	California poppy	NNG
PINACEAE	<i>Pinus jeffreyi</i>	Jeffrey pine	JPF
POACEAE	<i>Bromus diandrus var. gussonei</i> ♦	Common or Gusson ripgut grass	NNG
POACEAE	<i>Bromus tectorum</i> ♦	Cheat-grass	NNG
POACEAE	<i>Hordeum murinum leporinum</i> ♦	Hare barley	NNG
POACEAE	<i>Muhlenbergia rigens</i>	California deergrass	BSS, SAWRF
POLEMONIACEAE	<i>Eriastrum saphirinum</i>	Wolly-star	BSS
POLEMONIACEAE	<i>Leptosiphon floribundus</i>	Summer snow	SAWRF
POLEMONIACEAE	<i>Leptosiphon pygmaeus</i> ssp. <i>continentalis</i>	Pygmy linanthus	BSS
POLEMONIACEAE	<i>Microsteris gracilis</i>	Diffuse phylox	NNG
POLYGONACEAE	<i>Eriogonum fasciculatum</i>	California buckwheat	BSS

APPENDIX A			
PLANT SPECIES OBSERVED ON THE KENYON PROPERTY TPM 20857			
POLYGONACEAE	<i>Eriogonum wrightii</i>	Foothill buckwheat	BSS, JPF
PORTULACACEAE	<i>Calyptridium monandrum</i>	Sandcress	NNG
RANUNCULACEAE	<i>Ranunculus aquatilis</i> var. <i>hispidulus</i>	Floating water buttercup	SAWRF
RANUNCULACEAE	<i>Thalictrum fendleri</i>	Meadow rue	SAWRF
RHAMNACEAE	<i>Ceanothus leucodermis</i>	Whitebarked lilac	BSS
ROSACEAE	<i>Horkelia clelandii</i>	Cleveland's horkelia	BSS
ROSACEAE	<i>Rosa californica</i>	California wild rose	SAWRF
SALICACEAE	<i>Populus fremontii</i>	Western cottonwood	SAWRF
SALICACEAE	<i>Salix lasiolepis</i>	Arroyo willow	SAWRF
SCROPHULARIACEAE	<i>Castilleja subinclusa</i> ssp. <i>subinclusa</i>	Annual indian paintbrush	BSS
SCROPHULARIACEAE	<i>Verbascum thapsus</i> ♦	Common mullein	SAWRF
SELAGINELLACEAE	<i>Selaginella</i> sp.	Moss	SAWRF
SOLANACEAE	<i>Nicotiana</i> sp.	Tobacco	NNG
TYPHACEAE	<i>Typha latifolia</i>	Soft flag cat-tail	SAWRF
URTICACEAE	<i>Urtica dioica</i>	Hoary nettle	SAWRF
♦ = Non-native Plant Species BSS=Big Sagebrush Scrub DE=Developed JPF=Jeffrey Pine Forest NNG=Non-Native Grassland SAWRF=Southern Arroyo Willow Riparian Forest			

APPENDIX B
WILDLIFE SPECIES OBSERVED

APPENDIX B

WILDLIFE SPECIES OBSERVED ON THE KENYON PROPERTY TPM 20857

Common Name	Scientific Name	Habitat Observed *	# Observed (estimate)
Invertebrates			
Ant	Family Formicidae	BSS,DE,NNG	Many
Bee	Family Apidae	BSS,NNG	Many
Buckeye	<i>Junonia coenia</i>	NNG	1
Bumble bee	<i>Bombus fervidus</i>	NNG	1
Cabbage white	<i>Artogeia rapae</i>	NNG	5
Cricket	Family Gryllidae, Gryllacrididae	BSS,SAWRF	Many
Dragonfly	Suborder Anisoptera	SAWRF	1
Fly	Family Muscidae	All	Many
Grasshopper	Family Acrididae	BSS,DE,NNG	Many
Honey bee	<i>Apis mellifera</i>	BSS,P,SAWRF	Many
Ladybug	Family Coccinellidae	NNG	Many
Lady	<i>Vanessa sp.</i>	NNG	1
Snail	Class Gastropoda	SAWRF	3
Southern blue	<i>Glaucopsyche lygdamus australis</i>	BSS,SAWRF	7
Wasp	Family Hymenoptera	BSS,P,SAWRF	Many
Water boatman	Family Corixidae	SAWRF	Many
Water strider	Family Gerridae	SAWRF	Many
Amphibians			
Pacific treefrog	<i>Pseudacris regilla</i>	SAWRF	1 heard
Tadpoles	Order Anura	SAWRF	Many
Reptiles			
Common side-blotched lizard	<i>Uta stansburiana</i>	DE	1
Gophersnake	<i>Pituophis catenifer</i>	DE	1 on road
Western fence lizard	<i>Sceloporus occidentalis</i>	DE	
Birds			
American crow	<i>Corvus brachyrhynchos</i>	All	1
Anna's hummingbird	<i>Calypte anna</i>	DE	1
Ash-throated flycatcher	<i>Myiarchus cinerascens</i>	SAWRF	3
Band-tailed pigeon	<i>Columba fasciata monilis</i>	JPF	1 Offsite
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	NNG	Many
California quail	<i>Callipepla californica</i>	BSS,SAWRF	Many
California towhee	<i>Pipilo crissalis</i>	BSS	1
Cassin's kingbird	<i>Tyrannus vociferans</i>	SAWRF	1
Common raven	<i>Corvus corax</i>	SAWRF	2
Common yellowthroat	<i>Geothlypis trichas</i>	SAWRF	2 (Pair)
House finch	<i>Carpodacus mexicanus</i>	DE,SAWRF	4
Mallard	<i>Anas platyrhynchos</i>	SAWRF	4
Mourning dove	<i>Zenaida macroura</i>	DE	2
Red-winged blackbird	<i>Agelaius phoeniceus</i>	SAWRF	Many
Rufous-sided towhee	<i>Pipilo erythrophthalmus</i>	BSS,DE	6
Scrub jay	<i>Aphelocoma californica</i>	SAWRF	2
Song sparrow	<i>Melospiza melodia</i>	SAWRF	3
Turkey vulture	<i>Cathartes aura</i>	All	1

APPENDIX B

WILDLIFE SPECIES OBSERVED ON THE KENYON PROPERTY TPM 20857

Common Name	Scientific Name	Habitat Observed *	# Observed (estimate)
Mammals			
Bobcat	<i>Lynx rufus</i>	BSS	1 Scat
Desert cottontail rabbit	<i>Sylvilagus audubonii</i>	BSS	1 (Many droppings)
Valley or Botta's pocket gopher	<i>Thomomys bottae</i>	DE,NNG	Many mounds

BSS=Big Sagebrush Scrub

DE=Developed

NNG=Non-Native Grassland

JPF=Jeffrey Pine Forest

SAWRF=Southern Arroyo Willow Riparian Forest

APPENDIX C

SENSITIVE PLANT SPECIES WITH THE POTENTIAL TO OCCUR

APPENDIX C
SENSITIVE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO
KENYON TPM 20857 (USGS DESCANSO QUAD)

Species	Growth form/Bloom Period	CNPS	County	State	Federal	Potential to Occur Onsite
<i>ARCTOSTAPHYLOS OTAYENSIS</i> "Otay manzanita"	Shrub (evergreen) January - March	1B.2	A	None	SOC	Low. None observed on site.
<i>ASTRAGALUS OOCARPUS</i> "San Diego milk-vetch"	Perennial herb May - August	1B.1	A	CE	SOC	Low. None observed on site.
<i>AYENIA COMPACTA</i> "ayenia"	Perennial herb March - April	2.3	B	None	None	Low. None observed on site.
<i>BOYKINIA ROTUNDIFOLIA</i> "round leaved boykinia"	Perennial herb June - July			None	None	Moderate. Streambanks occur onsite, but southern mixed chaparral does not.
<i>BRODIAEA ORCUTTII</i> "Orcutt's brodiaea"	Perennial herb (bulbiferous) May - July	1B.1	A	None	SOC	Low. None observed on site.
<i>CALOCHORTUS DUNNII</i> "Dunn's mariposa lily"	Perennial herb (bulbiferous) April - June	3	A, NE	CR	SOC	Low. None observed on site.
<i>CASTILLEJA LASIORHYNCHUS</i> "San Bernardino Mtns. owl's clover"	Annual herb (hemiparasitic) June - August	1B.2		CE	None	Low. None are known from San Diego County.
<i>CHORIZANTHE POLYGONOIDES</i> VAR. <i>LONGISPINA</i> "long-spined spineflower"	Annual herb April - July	1B.2	A	None	SOC	Low. Lack of appropriate soils.
<i>CLARKIA DELICATA</i> "delicate clarkia"	Annual herb April - June	1B.2	A	None	None	Low. None observed onsite.
<i>CUPRESSUS FORBESII</i> "Tecate cypress"	Tree (evergreen)	1B.1	A	None	SOC	Low. None observed on site.
<i>CUPRESSUS STEPHENSONII</i> "Cuyamaca cypress"	Tree (evergreen)	1B.1	A	CE	SOC	Low. None observed on site.
<i>ERIOGONUM EVANDIUM</i> "leafy buckwheat"	Annual herb	1B.1	A	None	None	Low. None observed on site.
<i>GALIUM CALIFORNICUM PRIMUM</i> "California bedstraw"	Perennial herb May - July	1B.2		None	None	Low. The project site is below the elevation range for this species.
<i>GILIA CARUIFOLIA</i> "caraway-leaved gilia"	Annual herb May - August	4.3	D	None	None	Low. The project site is below the elevation range for this species.
<i>GRINDELIA HIRSUTULA</i> VAR. <i>HALLII</i> "San Diego gumplant"	Perennial herb August - September	1B.2	A	None	None	Low. None observed onsite.
<i>HEUCHERA RUBESCENS</i> VAR. <i>VERSICOLOR</i> "San Diego County alumroot"	Perennial herb (rhizomatous) May - June	2	3-1-1	CE	None	Low. The project site is below the elevation range for this species.
<i>HULSEA CALIFORNICA</i> "San Diego sunflower"	Perennial herb April - June	1B.3	A	CE	None	Moderate. Appropriate habitat onsite, but outside proposed development area.
<i>HYMENOTHRIX WRIGHTII</i> "Wright's hymenothrix"	Perennial herb May - October	4.3	D	None	None	Low. The project site is below the elevation range for this species.
<i>LILIUM HUMBOLDTII</i> SSP. <i>OCELLATUM</i> "ocellated Humboldt lily"	Perennial herb (bulbiferous) May - July	4.2	D	CE	SOC	Low. None observed on site.
<i>LINANTHUS ORCUTTII</i> "Orcutt's linanthus"	Annual herb May - June	1B.3	A	None	SOC	Low. None observed onsite.

APPENDIX C						
SENSITIVE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO						
KENYON TPM 20857 (USGS DESCANSO QUAD)						
Species	Growth form/Bloom Period	CNPS	County	State	Federal	Potential to Occur Onsite
<i>MACHAERANTHERA ASTEROIDES</i> <i>VAR. LAGUNENSIS</i> "Mount Laguna aster"	Perennial herb July - August	2.1	B	CR	SOC	Moderate. Appropriate habitat onsite, but outside proposed development area.
<i>MIMULUS CLEVELANDII</i> "Cleveland's bush monkeyflower"	Perennial herb May - July	4.2	D	None	None	Low. None observed onsite.
<i>MONARDELLA MACRANTHA</i> SSP. <i>HALLII</i> "Hall's monardella"	Perennial herb (rhizomatous) June - August	1B.3	A	None	None	Moderate. Appropriate habitat onsite, but outside proposed development area.
<i>MONARDELLA NANA</i> SSP. <i>LEPTOSIPHON</i> "San Felipe monardella"	Perennial herb (rhizomatous) June - August	1B.2	A	None	None	Low. The project site is below the elevation range for this species.
<i>NAVARRETTIA PENINSULARIS</i> "Baja navarretia"	Annual herb June - August	1B.2	A	None	None	Low. The project site is below the elevation range for this species.
<i>QUERCUS ENGELMANNII</i> "Engelmann oak"	Tree (deciduous) March - May	4.2	D	None	None	Low. None observed onsite.
<i>RIBES CANTHARIFORME</i> "Moreno currant"	Shrub (deciduous) February - April	1B.3	A	None	SOC	Low. Lack of appropriate habitat and none observed.
<i>RORIPPA GAMBELII</i> "Gambel's water cress"	Perennial herb (rhizomatous) April - September	1B.1	A	CT	FE	Low. The project site is above the elevation range for this species and it would have been observed during surveys.
<i>RUBUS GLAUCIFOLIUS</i> VAR. <i>GANDERI</i> "Cuyamaca raspberry"	Shrub (evergreen) May - June	1B.3	A	None	SOC	Low. None observed onsite.
<i>SCUTELLARIA BOLANDERI</i> SSP. <i>AUSTROMONTANA</i> "southern skullcap"	Perennial herb (rhizomatous) June - August	1B.2	A	None	None	High. Appropriate habitat occurs onsite.
<i>STREPTANTHUS CAMPESTRIS</i> "southern jewel-flower"	Perennial herb May - July	1B.3	A	None	None	Low. None observed onsite.

APPENDIX D

**SENSITIVE ANIMAL SPECIES WITH THE POTENTIAL TO
OCCUR**

APPENDIX D SENSITIVE WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO THE KENYON TPM 20857 (USGS DESCANSO QUAD)				
Common Name	Scientific name	Federal/ State/County	Habitat	Potential On-Site
INSECTS				
Monarch butterfly	<i>Danaus plexippus</i>	None/CSC/ Group 2	Wintering sites composed of grassland, oak woodlands and montaine meadows; host plant milkweed (<i>Asclepias</i> sp.). 500 to over 3000ft.	Low potential to occur. This species host plant was not observed onsite.
AMPHIBIANS				
Arroyo southwestern toad	<i>Bufo microscaphus californicus</i>	FE/CSC/ Group 1	Semi-arid regions near washes or intermittent streams with sand and gravel terraces. Habitats used include valley-foothill and desert riparian as well as a variety of more arid habitats including desert wash, palm oasis, and Joshua tree, mixed chaparral and sagebrush; 500-3000ft. Nocturnal.	High. Known to occur within Pine Valley Creek and an individual was identified just off-site in 2003 (Appendix F).
California red-legged frog	<i>Rana aurora draytonii</i>	FT/CSC/ Group 1	Inhabits quite pools of streams, marshes, and occasionally ponds; 500-3000ft.	Low. The project is above the elevation range for this species.
Large-blotched salamander	<i>Ensatina eschscholtzi klauberi</i>	SOC/CSC/ Group 1	Inhabits forests, shaded canyons, oak woodland and chaparral. Found under rotting logs, bark and rocks in mesic micro-habitats; 500-3000ft.	Moderate potential to occur; appropriate habitat onsite, but lacks rotting logs.
Western spadefoot toad	<i>Scaphiopus hammondi</i>	SOC/CSC/ Group 2	Grassland situations can occasionally occur in valley-foothill hardwood woodlands. Populations may persist a few years in orchard-vineyard habitats; 0-3000ft.	Low. The project is above the elevation range for this species.
REPTILES				
Northern red diamond rattlesnake	<i>Crotalus ruber ruber</i>	none/CSC/ Group 2	Coastal sage scrub, mixed chaparral, open grassy areas and agricultural areas, chamise chaparral, pinon juniper and desert scrub; 0-3000ft.	Low. The project is above the elevation range for this species.
San Diego horned lizard	<i>Phrynosoma coronatum blainvillei</i>	SOC/CSC/ Group 2	Occurs in valley-foothill hardwood, conifer and riparian habitats, as well as in pine-cypress, juniper and annual grass habitats; needs open areas for basking, ants and other insect prey. 0-8000ft.	Observed
San Diego ringneck snake	<i>Diadophis punctatus similis</i>	SOC/none/ Group 2	Coastal sage scrub, mixed chaparral, riparian, oak woodlands, chamise chaparral, mixed conifer, closed cone forest in moist micro-habitats. Can be found on surface during winter after rainfalls or during spring; 0 -7200 ft.	Moderate, appropriate habitat onsite.

<p align="center">APPENDIX D SENSITIVE WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO THE KENYON TPM 20857 (USGS DESCANSO QUAD)</p>				
Common Name	Scientific name	Federal/ State/County	Habitat	Potential On-Site
MAMMALS				
American badger	<i>Taxidea taxus</i>	None/CSC/ Group 2	This species is most abundant in drier open stages of most shrub, forest, and herbaceous habitats; 0 to over 3000ft.	Low, appropriate habitat onsite but no burrows observed.
Big free-tailed bat	<i>Nyctinomops macrotis</i>	None/CSC/ Group 2	This species is found in a variety of plant associations including desert scrub, various woodlands and coniferous forests. Is a colonial roosting species that is typically found in crevices of rugged cliffs and high, rocky outcrops; 0 to 3000ft.	Low potential to occur due to the lack of appropriate roosting habitat onsite.
Dulzura California pocket mouse	<i>Chaetodipus californicus femoralis</i>	None/CSC/ Group 2	Occupies coastal sage scrub, mixed chaparral, oak woodland, chamise chaparral, and mixed conifer habitats; 0 to over 3000ft.	Low potential to occur. The project site contains appropriate habitat, but the nearest known locations are over two miles away.
Fringed Myotis	<i>Myotis thysanodes</i>	SOC/CSC/ Group 2	This species may be found in a variety of plant communities including desert scrub, oak woodlands, and pinyon-juniper forests. It is a colonial species that prefers caves, mines and abandoned buildings for roost sites. 0-9300 ft., optimal 4000-7000 ft.	Low potential to occur due to the lack of appropriate roosting habitat onsite.
Greater western mastiff bat	<i>Eumops perotis californicus</i>	None/CSC/ Group 2	Open semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, palm oases, chaparral, desert scrub, and urban. Crevices in cliff faces, high buildings, trees, and tunnels are required for roosting; 500-3000ft.	Low. The project is above the elevation range for this species.
Long-eared myotis	<i>Myotis evotis</i>	Group 2	They are found in most brush, woodland, and forest habitats from sea level to 9000 feet, but more typically occurs in coniferous forests at elevations above 7000 feet. Roosts in buildings, crevices, bark, and snags.	Low. The project is below the elevation range for this species.
Long-legged myotis	<i>Myotis volans</i>	Group 2	Most common in woodland and forests above 4000 ft. Also in chaparral, coastal scrub, Great Basin shrub, and early successional stages of woodlands. Uncommon in desert and arid grassland. Roosts in rock crevices, buildings, bark, snags, mines, and caves. Feeds over water and open habitat. 0-11400 ft.	Low potential to occur. The habitat onsite is suitable, but this species is not known from the area.

APPENDIX D SENSITIVE WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO THE KENYON TPM 20857 (USGS DESCANSO QUAD)				
Common Name	Scientific name	Federal/ State/County	Habitat	Potential On-Site
Pallid bat	<i>Antrozous pallidus</i>	SOC/CSC/ Group 2	Coastal sage scrub, mixed chaparral, oak woodlands, chamise chaparral, desert wash and desert scrub. Prefers snags (especially oak), rocky outcrops, cliffs and crevices with access to open habitats for foraging; 0-6000ft.	Low potential to occur due to the lack of appropriate roosting habitat onsite.
Pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	None/CSC/ Group 2	This species is found in a variety of plant associations including desert scrub, coastal scrub and pine oak woodlands. Is a colonial roosting species that is typically found in crevices of rugged cliffs and high, rocky outcrops; 0 to 3000ft.	Low. The project is above the elevation range for this species.
San Diego black-tailed jackrabbit	<i>Lepus californicus bennetti</i>	SOC/CSC	Coastal sage scrub, mixed chaparral, oak woodlands, chamise chaparral, mixed conifer, and closed cone forest and open areas. Common in irrigated pastures and row crops; 0 to over 3000ft.	Low, this species is usually observable and was not observed onsite.
Small-footed myotis	<i>Myotis ciliolabrum</i>	SOC/none/ Group 2	Occurs in arid uplands -- woody and brushy habitats near water. Roosts in caves, buildings, mines, crevices, bridges, and bark. 0 - 8000 ft.	Moderate potential to occur. The habitat onsite is suitable, but this species is not known from the area.
Southern mule deer	<i>Odocoileus hemionus fuliginata</i>	Group 2	The mule deer is extremely adaptable occupying all but two or three of the major vegetation types in the western United States.	High, appropriate habitat onsite and known to occur in the area.
Spotted bat	<i>Euderma maculatum</i>	None/CSC/ Group 2	Found in foothills, mountains, and desert regions of southern California. Feeds over water and near ground. Roosts in rock crevices, cliffs, caves, and buildings. Moth specialist. To 10,600 ft.	Low potential to occur due to the lack of appropriate roosting habitat onsite.
Townsend's western big-eared bat	<i>Corynorhinos townsendii</i>	SOC/CSC/ Group 2	Found in all but subalpine and alpine habitats. Requires caves, mines, tunnels, buildings, or other human-made structures for night, day, hibernation or maternity roosts; 500-10,000ft.	Moderate potential to occur. The habitat onsite is suitable, but this species is not known from the area.

APPENDIX D SENSITIVE WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO THE KENYON TPM 20857 (USGS DESCANSO QUAD)				
Common Name	Scientific name	Federal/ State/County	Habitat	Potential On-Site
Western red bat	<i>Lasiurus blossevillei</i>	SOC/none/ Group 2	Roosting habitat includes forests and woodlands from sea level up through mixed conifer forests. Feeds over a wide variety of habitats including grasslands, shrublands, open woodlands forests, and croplands; 0 to 3000ft.	Moderate potential to occur. The habitat onsite is suitable, but this species is not known from the area.
Yuma myotis	<i>Myotis yumanensis</i>	Group 2	Mixed chaparral, riparian, oak woodland and pinon juniper. Optimal habitats are open forests and woodlands with sources of water over which to feed; roosts in buildings, mines, caves, bridges, crevices, and abandoned swallow nests. Sea level to 11,000 feet, but uncommon above 8000 feet.	Low potential to occur. The habitat onsite is suitable, but this species is not known from the area.
BIRDS				
Golden eagle	<i>Aquila chrysaetos canadensis</i>	none/CSC Fully protected/ Group 1	Mountains, foothills, and adjacent grassland, open areas and canyons; 0-11,500 ft. (nesting/wintering)	Moderate potential to forage onsite. Appropriate roosting habitat onsite.
Grasshopper sparrow	<i>Ammodramus savannarum</i>	Group 1	Occurs in dry, dense grasslands, especially those with a variety of grasses and tall forbs and scattered shrubs for singing perches; 0 to over 3000ft.	Low potential to occur. The habitat onsite is too open and this species is not known from the area.
Mountain Quail	<i>Oreotyx pictus eremophila</i>	Group 2	This species is found seasonally in open, brushy stands of conifer and deciduous forest and woodland and chaparral. Requires brushy vegetation interspersed with grass/forb areas; steep slopes and thickets for cover.	Moderate potential, appropriate habitat onsite, but not observed (CA quail were abundant).
Purple Martin	<i>Progne subis</i>	Group 1	This species frequents old growth, multi-layered open forest and woodlands with snags in the breeding season. Forages over riparian areas, forests and woodland. Found in a variety of habitat of open habitats during migration.	Low potential to occur, no appropriate habitat onsite.
Horned lark	<i>Eremophila alpestris actia</i>	None/CSC/ Group 2	Open patches of bare land alternating with low vegetation in grasslands, montaine meadows, and sagebrush plains; 0 to over 3000ft.	Moderate potential to occur. The habitat onsite is suitable.

APPENDIX D SENSITIVE WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR WITHIN OR ADJACENT TO THE KENYON TPM 20857 (USGS DESCANSO QUAD)				
Common Name	Scientific name	Federal/ State/County	Habitat	Potential On-Site
Red-shouldered hawk	<i>Buteo lineatus</i>	--/CSC	Prefers wet meadows and bogs, moist woodlands; especially river-bottom woodland across treeless plains. Also occurs in urban forest areas consisting of eucalyptus and other non-native trees. 0 to 3000ft.	High potential to occur. The habitat onsite is suitable.
Sharp-shinned hawk (nesting)	<i>Accipiter striatus</i>	none/CSC Fully protected/ Group 1	Open woodlands, residential, larger trees for nesting. Uncommon migrant and winter visitor, casual summer visitor; nesting has not been documented in San Diego County (Unitt 1984).	Moderate potential to occur. Appropriate foraging habitat occurs onsite.
Western bluebird	<i>Sialia mexicana</i>	Group 2	Occupy open habitats with scattered trees and the edges of open coniferous and deciduous forests.	High potential to occur. The habitat onsite is suitable.

* = Appendix E -

Sensitivity Codes

APPENDIX E
SENSITIVITY CODES

APPENDIX E

SENSITIVITY CODES

FEDERAL SPECIES DESIGNATIONS (USFWS 2007)

Category

FE	Federal Endangered species
FT	Federal Threatened species
FPE	Taxa proposed to be listed as Endangered.
FPT	Taxa proposed to be listed as Threatened.
SOC	Species of Concern (former Candidate Species)

STATE SPECIES DESIGNATIONS (CDFG 2007)

Category

SE	State listed as Endangered.
ST	State listed as Threatened.
SR	State-listed Rare
SCE	State candidate for listing as Endangered.
SCT	State candidate for listing as Threatened.
CSC	CDFG "Species of Special Concern".

CALIFORNIA NATIVE PLANT SOCIETY DESIGNATIONS (CNPS 2007)

The CNPS Lists

- | | | |
|------|----|---|
| List | 1 | Plants of highest priority. |
| | 1A | Plants presumed extinct in California. |
| | 1B | Plants rare, threatened or endangered in California and elsewhere. |
| List | 2 | Plants rare, threatened or endangered in California, but more common elsewhere. |
| List | 3 | Plants about which we need more information. (A Review List) |
| List | 4 | Plants of limited distribution (A Watch List). |

Threat Code Extensions

- | | |
|----|------------------------------------|
| .1 | Seriously endangered in California |
| .2 | Fairly endangered in California |
| .3 | Not very endangered in California |

APPENDIX F

**ARROYO SOUTHWESTERN TOAD
CORRESPONDENCE**

Robin Church

From: "Robin Church" <robinchurch@cox.net>
To: <Robin@rcbio.com>
Sent: Thursday, October 14, 2004 8:44 PM
Subject: Fw: TPM 20857 Kenyon Minor Subdivision

----- Original Message -----

From: <Patricia.Cole@rl.fws.gov>
To: "Stevenson, Christine" <Christine.Stevenson@sdcounty.ca.gov>
Cc: <Kathleen.Brubaker@rl.fws.gov>; <Erin.Fernandez@rl.fws.gov>;
<robinchurch@cox.net>
Sent: Thursday, October 07, 2004 2:44 PM
Subject: Re: TPM 20857 Kenyon Minor Subdivision

>
> Hi Chris,
>
> Your email accurately reflects our conversation. As I specified in our
> phone conversation, there is one important caveat: at the time of my
> visit, the soils under the dense thatch were clearly loose and quite
> friable, and were suitable for toads to use for burrowing. I believe that
> the fact that the area was covered with dense grass thatch, precluded the
> toad from burrowing in that particular area. It is important to note,
> that
> if there should be any disturbance to the density of the thatch on site,
> whether by accident, design, or natural cause, the federally endangered
> arroyo toad could then certainly utilize this area for burrowing. I
> recommend that the site be reassessed just prior to construction to
> confirm
> that the thatch is still present and the habitat is unsuitable for toads
> to
> burrow. If that is the case, then avoidance and minimization measures
> should be implemented to prevent toads from wandering onto the site, or
> otherwise impacting toads. These measures should include, but not be
> limited to, exclusionary fencing, restricting all work and vehicular
> activity to daylight hours, and no use of night lighting. If the site has
> changed such that toads could be using the site for burrowing, then
> consultation pursuant to section 7 or 10 of the federal Endangered Species
> Act, as appropriate, may be required.
>
> Regards,
>
> Patricia A. Cole

> Fish and Wildlife Biology
> U.S. Fish and Wildlife Service
> 6010 Hidden Valley Road
> Carlsbad, California 92009
> (760) 431-9440

>
>
>
>

> "Stevenson, Christine"
> <Christine.Stevenson@sdcou To:
> <Patricia.Cole@fws.gov>
> nty.ca.gov> cc:

> Subject: TPM
> 20857 Kenyon Minor Subdivision
> 10/07/2004 02:00 PM

>
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>
>
>
>
>

> Hi Tricia,

>

> This email is to confirm our conversation this afternoon regarding arroyo
> toad issues on the proposed project site for TPM 20857. The site address
> is 8579 Pine Creek Road in Pine Valley, Assessor's Parcel Number is
> 410-021-25.

>

> Per our telephone conversation, the soils are suitable, but the density of
> thatch on the portion of the site proposed for development is too dense
for

> toad burrowing activity. Assuming that the grass remains as dense as it
> was during your site visit, the proposed addition of two more houses
upland

> of the existing house would not be likely to adversely impact the arroyo
> toad. There are no proposed changes to the existing house. You
> recommended toad exclusionary measures such as silt fencing be put in
place

> prior to any ground disturbance, as well as avoiding construction during
> the toad breeding season (March 15th - July 1st).

>

> Robin Church, Biological Consultant, included the following in her draft
> Biological Resources Report: "Patricia Cole of the US Fish and Wildlife
to assess the potential for the arroyo

> toad to occur within the portion of the project proposed for development on

> April 13, 2004. She determined that the portions of the Kenyon property

> that are proposed to be developed -- pasture and developed habitats -- have

> dense vegetative cover and or lack friable soils, thus yielding them

> unsuitable for the toad. However, she did observe appropriate arroyo toad

> habitat in the southern arroyo willow riparian forest and big sagebrush

> scrub habitats. She recommended that toads be excluded from the

> construction site with silt fencing during the grading phases, as they

> might be attracted to the soil which is made loose or is piled up."

>

> I'd be grateful if you could confirm this information in a return email,

> and forward it to your co-workers who will likely be involved in the

> future.

>

> Thanks for your help - and best wishes in your move!

> Chris Stevenson

> Regulatory Planning

> San Diego County DUPLE

> Christine.Stevenson@sdcounty.ca.gov

> Phone: 858.694.3685 - Fax: 858.694.3373

>

>

>

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>

APPENDIX G
CUMULATIVE IMPACTS

Cumulative Impacts – Kenyon TPM 20857 2/21/2008						
Project Name	Habitat Impacts				Other Impacts: Golden Eagle/Raptors, Arroyo Southwestern Toad, WeBl	Mitigation
	Non-Native Grassland (NNG)	Big Sagebrush Scrub (BSS)	Other	Other Habitats on Project Site		
Verizon ZAP 96-010 Closed 10/31/06						Mitigated Neg. Dec.
Sprint P 06-018/06-15-004 Closed 2/8/07				CC, DIST, DEV		Mitigated Neg. Dec.
SDGE Mountain Empire Training Center P88-044W2 Open			-NMC-3.76 acres -May disturb wetlands	SAWRF, CC, DEV, NMC, SCLORF, DIST	WeBl, black-tailed jackrabbit, arroyo toad, and Least Bell's Vireo habitat (half of the site will be impacted)	-NMC-2:1, 7.52 acres of NMC offsite. -No grading/brushing Feb 1 st -Aug 31 st . -Arroyo toad: No grading/clearing Mar. 31 st -July 31 st . biological monitor, toad surveys, silt fence around construction areas, permanent fence
Cortese-single fam. AD 00-002 Closed 3/10/00						
Top of the Pines TPM 20951 Open (4 lots)		BSS-1.26 acres		OCLOW-0.45 acre NMC-14.42 acres DIST- 0.7 acre	Half of site will be impacted, no habitats specified.	

Cumulative Impacts – Kenyon TPM 20857 2/21/2008						
Project Name	Habitat Impacts				Other Impacts: Golden Eagle/Raptors, Arroyo Southwestern Toad, WeBI	Mitigation
	Non-Native Grassland (NNG)	Big Sagebrush Scrub (BSS)	Other	Other Habitats on Project Site		
Pine Valley Park Estates TM 5318 Open (20 lots)	NNG (acreage unknown)	BSS (acreage unknown)			Raptor foraging and Arroyo toad habitat.	Biological open space easement and limited building zone (acreage unknown).
Oliver TM 4918 Closed (Expired)		BSS (acreage unknown)	Willow Scrub, CLOW (acreage unknown)		Arroyo toads observed in Scove Canyon on project site.	
Pine Valley Mutual Water Company ZAP 98-019 Closed						Notice of Exemption (No biology study done)
Dutro TPM 20405 Closed (Withdrawn- 11/7/00)						
Pine Creek Ranch TM 5236/00-15-004 Open (19 lots)	NNG (acreage unknown)		CC (acreage unknown)			
The Slope TPM 20765/03-15- 006 Open (4 lots)			NMC, RSC, Pine forest (acreage unknown)			
Verizon ZAP 96-020 Closed 2004			SMC-0.43 acre DIST-0.04 acre		Raptor foraging habitat.	SMC-0.43 acre in biological open space easement

Cumulative Impacts – Kenyon TPM 20857 2/21/2008						
Project Name	Habitat Impacts				Other Impacts: Golden Eagle/Raptors, Arroyo Southwestern Toad, WeBI	Mitigation
	Non-Native Grassland (NNG)	Big Sagebrush Scrub (BSS)	Other	Other Habitats on Project Site		
ZAP 00-159 Closed (Denied)			OCLOW (acreage unknown)			
House of the Sun Arena Cover S-04-33 Closed 11/8/05			DEV (acreage unknown)	FTB, NMC, CLOW, Pine forest (no impacts to these habitats)		None-constructed in developed area.
Looney P 98-025/ 98-15-003 Closed 2/25/99			DIST-1.46 acres			None-constructed in disturbed area.
Foland TPM 20344/ 98-15-1 Closed 9/24/98			NMC-11.6 acres CLOW- 0 acre DIST- 5.16 acres		WeBI habitat	Mitigated Neg. Dec. NMC-3.6 acres and CLOW-1.3 acres in biological open space easement.
Foland TM 5285/ 02-15-003 Closed 12/30/07			CLOW-0 acre NMC-4.17 acres DIST-2.02 acres		Raptor foraging habitat	Mitigated Neg. Dec. NMC-3.24 acres and CLOW-1.39 acres in biological open space easement.

BSS=Big Sagebrush Scrub, CC=Chamise Chaparral, CLOW=Coast Live Oak Woodland, DEV=Developed, DIST=Disturbed, NMC=Northern Mixed Chaparral,
NNG=Non-Native Grassland, OCLOW=Open Coast Live Oak Woodland, RSC=Red Shank Chaparral, SAWRF=Southern Arroyo Willow Riparian Forest,
SCLORF=Southern Coast Live Oak Riparian Forest